

AMENDED IN ASSEMBLY MAY 15, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2150**

---

**Introduced by Assembly Member Atkins**

February 23, 2012

---

An act to amend ~~Section~~ *Sections 798.14 and 798.15* of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL’S DIGEST

AB 2150, as amended, Atkins. Mobilehome parks.

The Mobilehome Residency Law governs the terms and conditions of residency in mobilehome parks. Existing law requires the management of a mobilehome park to include a copy of the Mobilehome Residency Law in the rental agreement, and to provide all homeowners with a copy of the Mobilehome Residency Law by February 1 of each year, if a significant change was made in those provisions by legislation enacted in the prior year.

This bill would require the rental agreement to include a *specified* notice ~~entitled “HOMEOWNERS’ BILL OF RIGHTS”~~ and would require the management of a mobilehome park to provide a copy of that notice to all homeowners prior to February 1 of each year. The bill would require the notice to describe various rights applicable to homeowners in mobilehome parks that are established by statute, including, among other things, that a homeowner is required to receive advance written notice before any rent increase. *The bill would authorize all notices required to be delivered to the homeowner prior to February 1 of each year under the provisions above to be combined in one notice that contains all the information required by these provisions.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 798.14 of the Civil Code is amended to*  
2     *read:*

3     798.14. (a) Unless otherwise provided, all notices required  
4     by this chapter shall be either delivered personally to the  
5     homeowner or deposited in the United States mail, postage prepaid,  
6     addressed to the homeowner at his or her site within the  
7     mobilehome park.

8     (b) *All notices required by this chapter to be delivered prior to*  
9     *February 1 of each year may be combined in one notice that*  
10    *contains all the information required by the sections under which*  
11    *the notices are given.*

12    ~~SECTION 1.~~

13    *SEC. 2. Section 798.15 of the Civil Code is amended to read:*

14    798.15. The rental agreement shall be in writing and shall  
15    contain, in addition to the provisions otherwise required by law to  
16    be included, all of the following:

17    (a) The term of the tenancy and the rent therefor.

18    (b) The rules and regulations of the park.

19    (c) A copy of the text of this chapter shall be ~~attached~~ *provided*  
20    as an exhibit and shall be incorporated into the rental agreement  
21    by reference. ~~Management shall do one of the following prior to~~  
22    ~~February 1 of each year, if a significant change was made in this~~  
23    ~~chapter by legislation enacted in the prior year:~~

24    ~~(1) Provide all homeowners with a copy of this chapter.~~

25    ~~(2) Provide written notice to all homeowners that there has been~~  
26    ~~a change to this chapter and that they may obtain one copy of this~~  
27    ~~chapter from management at no charge. Management must provide~~  
28    ~~a copy within a reasonable time, not to exceed seven days upon~~  
29    ~~request.~~

30    (d) A provision specifying that (1) it is the responsibility of the  
31    management to provide and maintain physical improvements in  
32    the common facilities in good working order and condition and  
33    (2) with respect to a sudden or unforeseeable breakdown or  
34    deterioration of these improvements, the management shall have  
35    a reasonable period of time to repair the sudden or unforeseeable

breakdown or deterioration and bring the improvements into good working order and condition after management knows or should have known of the breakdown or deterioration. For purposes of this subdivision, a reasonable period of time to repair a sudden or unforeseeable breakdown or deterioration shall be as soon as possible in situations affecting a health or safety condition, and shall not exceed 30 days in any other case except where exigent circumstances justify a delay.

(e) A description of the physical improvements to be provided the homeowner during his or her tenancy.

(f) A provision listing those services which will be provided at the time the rental agreement is executed and will continue to be offered for the term of tenancy and the fees, if any, to be charged for those services.

(g) A provision stating that management may charge a reasonable fee for services relating to the maintenance of the land and premises upon which a mobilehome is situated in the event the homeowner fails to maintain the land or premises in accordance with the rules and regulations of the park after written notification to the homeowner and the failure of the homeowner to comply within 14 days. The written notice shall state the specific condition to be corrected and an estimate of the charges to be imposed by management if the services are performed by management or its agent.

(h) All other provisions governing the tenancy.

(i) A copy of the following notice. Management shall also, prior to February 1 of each year, provide a copy of the following notice to all homeowners:

IMPORTANT NOTICE TO ALL MANUFACTURED  
HOME/MOBILEHOME OWNERS: CALIFORNIA LAW REQUIRES THAT  
YOU BE MADE AWARE OF THE FOLLOWING:

HOMEOWNERS' BILL OF RIGHTS

The "Mobilehome Residency Law" (MRL), found in Section 798, et seq. of the Civil Code, establishes the rights and responsibilities of homeowners and park management. YOU may request a complete copy of this law once per year from the park manager or owner, or may purchase a copy from the Senate Publications & Flags office in Sacramento.

1  
2 The MRL is deemed a part of the terms of any park rental agreement or lease,  
3 and contains the following provisions which guarantee YOU certain rights and  
4 protections:

- 5  
6 1. YOU must receive advance written notice before any rent increase can  
7 be collected. Management must provide a 90-day advance notice of any  
8 rent increase, and the amount of the increase may be limited by a local  
9 ordinance, or by your lease or rental agreement provisions. [Civil Code  
10 798.30]
- 11 2. YOU have the right to choose different lease terms. Management must  
12 offer any existing homeowner a 12-month rental agreement, a lesser term  
13 as the homeowner might request, or a longer term as mutually agreed  
14 upon. [Civil Code 798.18]
- 15 3. YOU have a right to know the park rules. YOU are entitled to a copy of  
16 all park rules or regulations. They must be attached to any rental  
17 agreement when YOU sign it, and cannot be amended without prior notice  
18 to YOU. [Civil Code 798.15(b); 798.25]
- 19 4. YOU are only required to pay certain authorized charges. YOU can only  
20 be billed for rent, utilities, and incidental charges for services actually  
21 rendered, and cannot be charged a fee for a rental agreement of 12 months  
22 or less. [Civil Code 798.31]
- 23 5. YOU have the right to a return of your Security Deposit. After 12  
24 consecutive months of timely payment of rent, or upon an earlier sale of  
25 the mobilehome, the security deposit must be refunded to YOU upon  
26 written request. [Civil Code 798.39]
- 27 6. YOU have a right to freely communicate with your neighbors. YOU are  
28 entitled to peacefully assemble, petition or canvass, and meet for any  
29 purposes related to mobilehome or manufactured home living, and can  
30 invite political candidates or resident groups to speak at the park without  
31 being required to pay a cleaning fee, or to obtain liability insurance unless  
32 alcohol is served. [Civil Code 798.50; 798.51]
- 33 7. YOU have the right to advertise and sell your home without moving it.  
34 If your home complies with certain listed standards, you are entitled to  
35 sell it “in place,” after certain allowable upgrades set forth in the MRL  
36 are completed. Management cannot require that you sell your home to  
37 them, cannot charge you a transfer or selling fee and cannot require you  
38 to use a broker or dealer approved by them. YOU have the right to  
39 advertise your home for sale, and management can only deny approval  
40 of a buyer for reasons listed in the MRL. [Civil Code 798.70-798.74]

8. ~~YOU have the right to continue living in the park. The park owner cannot terminate your tenancy except for one of seven authorized reasons set forth in the MRL. YOU are entitled to unique protection from eviction. [Civil Code 798.55-798.56]~~
9. ~~YOU have a right to privacy. Management cannot enter your mobilehome or accessory structures (such as a storage shed) without your prior written approval, except in an emergency or if you abandon the home or structure. [Civil Code 798.26]~~
10. ~~YOU cannot waive the MRL provisions. No rental or sales agreement may contain a provision by which a purchaser or a homeowner waives any MRL rights. [Civil Code 798.19; 798.77]~~

**IMPORTANT NOTICE TO ALL MANUFACTURED HOME/MOBILEHOME OWNERS: CALIFORNIA LAW REQUIRES THAT YOU BE MADE AWARE OF THE FOLLOWING:**

*The Mobilehome Residency Law (MRL), found in Section 798 et seq. of the Civil Code, establishes the rights and responsibilities of homeowners and park management. The MRL is deemed a part of the terms of any park rental agreement or lease. This law is subject to change. You may request a current copy of the complete text of this law once per year from the park management.*

*Homeowners and park management have certain rights and responsibilities under the MRL. These include, but are not limited to:*

1. *Management must give a homeowner written notice of any increase in his or her rent at least 90 days before the date of the increase. (Civil Code 798.30)*
2. *No rental or sales agreement may contain a provision by which a purchaser or a homeowner waives any of his or her rights under the MRL. (Civil Code Sections 798.19, 798.77)*
3. *Management may not terminate or refuse to renew a homeowner's tenancy except for one or more of the authorized reasons set forth in the MRL. (Civil Code Sections 798.55, 798.56)*
4. *A homeowner must give written notice to the management of not less than 60 days before vacating his or her tenancy. (Civil Code Section 798.59)*
5. *Homeowners, residents, and their guests must comply with the rental agreement or lease, including the reasonable rules and regulations of the park and all applicable local ordinances and state laws and*

1 regulations relating to mobilehomes. Failure to comply could be grounds  
2 for eviction from the park. (Civil Code Section 798.56)

3 6. Homeowners must pay rent, utility charges, and reasonable incidental  
4 service charges in a timely manner. Failure to comply could be grounds  
5 for eviction from the park. (Civil Code Section 798.56)

6 7. Homeowners have a right to peacefully assemble and freely communicate  
7 with respect to mobilehome living and for social or educational purposes.  
8 Homeowners have a right to meet in the park, at reasonable hours and  
9 in a reasonable manner, for any lawful purpose. Homeowners may not  
10 be charged a cleaning deposit in order to use the park clubhouse for  
11 meetings of resident organizations or for other lawful purposes, such as  
12 to hear from political candidates, so long as all park residents are allowed  
13 to attend. Homeowners may not be required to obtain liability insurance  
14 in order to use common facilities unless alcohol is served. (Civil Code  
15 Sections 798.50, 798.51)

16 8. If a home complies with certain standards, the homeowner is entitled to  
17 sell it in place in the park. Management may require certain upgrades.  
18 Management may not require a homeowner to sell his or her home to the  
19 park, may not charge a transfer or selling fee, and may not require a  
20 homeowner to use a broker or dealer approved by the park. A homeowner  
21 has a right to advertise his or her home for sale. Management may deny  
22 approval of a buyer, but only for certain reasons listed in the law. (Civil  
23 Code Sections 798.70-798.74)

24 9. Management has the right to enter the space upon which a mobilehome  
25 is situated for maintenance of utilities, trees, and driveways; for inspection  
26 and maintenance of the space in accordance with the rules and regulations  
27 of the park when the homeowner or resident fails to maintain the space;  
28 and for protection and maintenance of the mobilehome park at any  
29 reasonable time, but not in a manner or at a time that would interfere  
30 with the resident's quiet enjoyment of his or her home. (Civil Code Section  
31 798.26)

32 10. A homeowner may not make any improvements or alterations to his or  
33 her space or home without following the rules and regulations of the park  
34 and all applicable local ordinances and state laws and regulations, which  
35 may include obtaining a permit to construct, and, if required by park  
36 rules or the rental agreement, without prior written approval of  
37 management. Failure to comply could be grounds for eviction from the  
38 park. (Civil Code Section 798.56)

1  
2

O